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Anne Pomerantz, Acting Regional Director  
National Labor Relations Board, Region 19  
915 2<sup>nd</sup> Ave, Ste. 2948  
Seattle, WA 98174-1006

RE: 19-CA-263343

January 4, 2020

To Whom It May Concern:

I am writing this letter to as a “friend of the Court” and the registered agent of Tacoma Baking Company, LLC (hereafter “TBC”) to:

1. Inform the National Labor Relations Board as to the reasons for the Company’s failure to file a timely Answer to the combined complaints associated with 19-CA-263343, and
2. Request a stay of proceedings in this matter, pending the results of ongoing litigation.

This letter is not to be construed as the official position of the Company, nor am I to be considered the legal representative of the Company, except as the recipient for the service of process.

1. Failure to file Answer

- 1.1 **Cessation of TBC operations.** About mid-March, TBC halted its retail operations due to the ongoing COVID-19 pandemic and the “Stay home. Stay Safe” measures enacted by the State of Washington. At the time, TBC leadership was conducting a substantial re-organization of leadership and personnel to address existing financial and operational problems. Although plans were made to mitigate the impact of lost revenue caused by COVID-19 measures, it became clear TBC would not be able to meet its financial obligations and would have to close its doors permanently.
- 1.2 **Litigation.** Included in the existing financial troubles mentioned above was TBC’s ongoing struggle to make timely payments on its equipment loan. Unable to satisfy the lender, this resulted in litigation (Tahoma Café v. TBC, Washington Superior Court Case 20-2-04954-4) and, ultimately a judgement against TBC. About the same time

the lender moved to enforce the judgement, two TBC owners filed a complaint against TBC and two of its remaining owners (Geissler, et al. v. TBC, et al., Washington Superior Court Case 20-2-06508-6). Among other claims, included in that case are allegations of mismanagement, dispute of ownership, and dispute of managerial authorities (agency). Both cases requested a Receiver be appointed, which the Court in the Tahoma Café case granted on 26 June 2020. These cases were recently consolidated by the Court under the Geissler case as the Receiver prepares to finalize and close the receivership.

**1.3 Loss of representation.** TBC's legal representative, Jack Orr, withdrew from both of the above cases and ceased representation of TBC in August 2020, as he is not a litigator – a point he made clear when his services were originally engaged. Until the end of July he was in direct communication with me and Jessica DeVisser, as the two still active TBC owners, regarding the litigation mentioned above, as well as 19-CA-263343. Even as late as 31 July, 2020, Email correspondence between Mr. Orr and myself can corroborate Mr. Orr intended to file an Answer to 19-CA-263343, as well as contact Angie Chong, the Senior Field Attorney handling the matter. It is clear he neglected to do either. After Mr. Orr's withdraw, TBC was left without legal representation, except for the Court appointed Receiver. Email correspondence between Jessica DeVisser and Ms. Chong can corroborate Ms. Chong was made aware of the ongoing litigation and receivership and the fact that it was unclear who was authorized to speak/negotiate on behalf of TBC (due to the Geissler case).

**1.4** Given the combination of the above factors, creating and filing an Answer in the 19-CA-263343 matter has not been possible. The LLC has no attorney representing its interests, and the Receiver has made it clear he only represents the LLC as far as disposition of its assets is concerned. Absent a designated attorney, I believe the legal representative would then be the duty of the LLC Manager, but who the actual LLC Manager is has not yet been decided in the Geissler matter and remains a point of contention. While I am the Registered Agent of the LLC and a former LLC Manager, given the claims made in the Geissler matter, I do not feel legally authorized to act in any agency capacity. I am not even sure I can legally accept service on behalf of the LLC at this point.

## 2. Request to Stay Proceedings

**2.1** I ask the NLRB to consider staying the proceedings in the 19-CA-263343 matter, until the Geissler case is concluded. There are material issues in that case that must first be adjudicated, in order for TBC to adequately represent itself before the NLRB. As the

former Personnel Director of TBC, I believe I have sufficient evidence to show the claims made in 19-CA-263343 are baseless. In addition, I believe there are both civil and criminal counterclaims to be made against one or both of the Complainants in connection to their documented, public attempts to cause harm to the LLC. Unfortunately, I do not feel I have the legal standing or the vested authority to represent the LLC's interests.

3. I urge the NLRB to reject General Counsel's Motion for Default Judgement in this case. Doing so would allow Complainant's to prevail against a Defendant unable to defend itself. Complainants have little evidence to support their claims, while the Defendant is currently procedurally barred from providing counter evidence and filing counterclaims. Complainant's motion does not serve the aim of justice but, rather, serves to further harm an already beleaguered company and ensure it cannot be heard and offer substantial counter evidence.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Pieter DeVisser', with a stylized flourish at the end.

Pieter DeVisser  
Registered Agent  
Tacoma Baking Company, LLC